

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA,  
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

**RESPONSE AND NOTICE OF MOOTNESS REGARDING SAMSUNG'S  
PARTIAL MOTION FOR SUMMARY JUDGMENT OF NON-INFRINGEMENT  
FOR SLEEPING AND DEEP SLEEPING FEATURES (DKT. 235)**

Defendants' motion for partial summary judgment of non-infringement for Samsung's sleeping and deep sleeping features (Dkt. 235) should be denied as moot. To narrow disputes and reduce issues for trial, Headwater agrees to drop the sleeping and deep sleeping features from its infringement case. Headwater maintains its infringement case for all other accused features, which are not at issue in Defendants' motion.

The parties did not confer about Defendants' motion before it was filed. Nevertheless, before the deadline the response (and upon Defendants' request to narrow the accused features for trial), Headwater informed Defendants that it would no longer assert infringement of Samsung's sleeping and deep sleeping features. *See Ex. A* (May 31, 2024, E-mail to Counsel). In view of Headwater's agreement, Defendants' motion should be withdrawn or denied as moot.

Dated: May 31, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 31, 2024, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF System per Local Rule CV-5(a)(3).

*/s/ Marc Fenster*  
Marc Fenster